

[Sri K. P. Gopalan] [14th December 1954]

do justice to them. If the Government give an assurance that pending appeals will be disposed of by the Government, then I will withdraw my amendment."

* THE HON. SRI B. PARAMESWARAN :—" We will notify the particular date. Only after that, we will surrender our powers. Till then we will have those powers. I am sure the Government will dispose of all the pending papers with them."

MR. SPEAKER :—" Is the hon. Member, Sri Gopalan, pressing his amendment now? "

SRI K. P. GOPALAN :—" I am not pressing it."

The amendment of Sri K. P. Gopalan was, by leave, withdrawn.

Clause 5 was put and carried.

3-10
p.m.

MR. SPEAKER :—" May I know whether hon. Member Sri K. P. Gopalan is moving his amendment adding a new clause after clause 5? "

* SRI K. P. GOPALAN :—" As my amendment similar to the one moved earlier by the hon. Member Sri M. Kalyanasundram; I am not moving the amendment I have given notice of."

Clause 1 and the Preamble were put and carried.

THE HON. SRI B. PARAMESWARAN :—" Mr. Speaker, Sir, I move—

' That the Motor Vehicles (Madras Amendment) Bill, 1954, be passed into law.' "

MR. SPEAKER :—" The question is—

' That the Motor Vehicles (Madras Amendment) Bill, 1954, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(4) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO
RYOTWARI) AMENDMENT BILL, 1954.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, I beg to introduce the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill * 1954 and move—

' That the Bill be taken into consideration at once.'

It will be useful to hon. Members if I place certain facts and circumstances under which this Bill is brought before this House so that all Members can understand the implications of this Bill.

* Published in the Fort St. George Gazette Extraordinary, dated 4th December 1954.

14th December 1954] [Sri M. A. Manickavelu Naicker]

“ The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, became law in April 1949. Immediately thereafter arrangements were made to implement its provisions and estates were taken over in batches. In the course of the working of the Act, it has been found that certain sections require to be amended and the Bill contains such of the amendments as are urgent. The other amendments will be brought forward in a separate Bill later on. I will now explain the provisions of the present Bill.

“ Under section 1 (4) of the Act, some of the sections of the Act shall come into force at once and the rest of the Act shall come into force in regard to any zamindari, under-tenure or inam estate on such date as the Government may, by notification, appoint. Each estate is taken over by the Government on a date notified under section 1 (4) and with effect from that date the entire provisions of the Act apply to the estate. The Government have been obliged to refrain from taking possession of certain estates on the notified dates on account of the injunction orders of Courts. In some cases, the Government had to defer further acts of management after the estates had been actually taken over on account of the stay orders of Courts. In such cases the provisions of the Act which were made applicable with effect from the notified date could not be enforced till the stay orders in question were vacated. There are administrative difficulties in enforcing the provisions of the Act with retrospective effect from the notified date after the stay orders are vacated, both in the case of various amounts to be recovered from the landholders and the amounts to be paid to them. The Government have been issuing orders under section 68 of the Act to remove these difficulties as and when they arose but they consider that it is desirable to amend the Act to make it clear that in the cases affected by the stay orders of Courts as stated above the notified date will be the date from which the Government have been in uninterrupted possession of the estate. Clauses 2 and 3 of the Bill make the necessary provision for this purpose.

“ It is necessary that the proceedings taken by the Government between the notified date and the date on which further action under the Act was interrupted on account of the stay order, should be validated. Clause 10 of the Bill provides for this.

“ Under section 9 (3) of the Act, the Settlement Officer has powers to decide whether an inam village is an inam estate or not, and under section 9 (4) (a), any person deeming himself aggrieved by a decision of the Settlement Officer may appeal to the Tribunal. The Government cannot under this section file an appeal before the Tribunal against the decision of the Settlement Officer, since according to section 3 (22) of the Madras General Clauses Act, 1891, the expression ‘ person ’ includes any company or association of individuals, whether incorporated or not, but does not include the Government. Although the Government may not generally be concerned with a decision of the Settlement Officer as to whether a particular village is or is not an inam estate, cases do occasionally arise where such decision has to be contested by the Government

[Sri M. A. Manickavelu Naicker] [14th December 1954]

on the ground that the village is not an inam estate but is an under-tenure estate or is not an estate at all. It is, therefore, considered that the Government also should have a right of appeal against the decision of the Settlement Officer under section 9 (3). Clause 4 of the Bill makes the necessary provision for the purpose in section 9 (4).

“ Under section 15 (1) of the Act, the Settlement Officer shall examine the nature and history of all lands in respect of which the landholder claims a ryotwari patta and decide in respect of which lands the claim should be allowed. Under section 15 (2) any person deeming himself aggrieved by a decision of the Settlement Officer under sub-section (1) may appeal to the Tribunal. The Government cannot under sub-section (2) of section 15 file an appeal against the decision of the Settlement Officer under sub-section (1), since as already explained in respect of section 9 (4), the expression ‘ person ’ does not include Government. It is not at all likely that the ryots who are primarily interested will contest the landholders’ claims particularly when such claims relate to communal lands in respect of which the ryots had not been actually exercising any communal right and were unaware whether the landholders had any rights therein. Even if in some cases the ryots desire to contest such claims, they may not be able to do so as they may not have the financial resources necessary for the purpose. The Government, therefore, consider that they should contest all claims to ryotwari pattas by landholders which are *prima facie* untenable and unreasonable and that it is neither safe nor expedient to leave it to the ryots alone to do so. Managers of estates have, therefore, been asked to contest the claims of the landholders wherever necessary. In such cases where the Settlement Officers give decisions against the Government, it is but reasonable that the Government should have a right to prefer an appeal to the Tribunal. Clause 6 of the Bill makes the necessary provision for the purpose in section 15.

“ The Act allows the Tribunal in its discretion to admit appeals under sections 9 (4), 10 (3) and 15 (2) of the Act at any time. Cases have come to the notice of the Government where appeals have been admitted by the Tribunal even after three years. It is necessary that there should be some finality in these matters. It is, therefore, considered desirable to restrict the power of the Tribunals to extend the time within which appeals should be filed to six months after the period prescribed in the Act. It is, however, considered necessary in the case of a decision under section 15 that the Tribunal’s power to extend the time in cases of appeal by Government should not be limited where the decision is vitiated by fraud or mistake of fact. The amendments made to sections 9 (4), 10 (3) and 15 (2) by clauses 4, 5 and 6 of the Bill seek to achieve this object also.

“ Under section 3 (3) of the Madras Estates Land (Reduction of Rent) Act, 1947, the reduced rates of rent fixed under that Act take effect from the commencement of the fasli year 1357 and the ryots are not bound to pay rent at any rate which is in excess of

14th December 1954] [Sri M. A. Manickavelu Naicker]

such rates. As the preliminary enquiries and other operations connected with the reduction of rents took time, there was some delay in fixing the reduced rates of rent. The landholders, however, continued to collect the rents from the ryots at the old rates. To give the ryots the benefit of retrospective effect from fasli 1357 in the matter of reduced rents, orders have been issued to the effect that the excess collections made by the landholders should be adjusted in the case of estate villages taken over by the Government by short-payment of the assessments payable to the Government by the ryots and in the case of other estates villages by short payments of rents payable to the landholders by the ryots for subsequent faslis. There is, however, no provision either in the Rent Reduction Act or in the Zamindari Abolition Act, enabling the Government to recover from the landholders the excess collection adjusted towards the assessment payable to the Government by the ryots. It is not the intention of the Government that the landholders should retain with them the excess collections which are made good to the ryots by reducing the assessment due to the Government. It is, therefore, considered necessary to make specific provision in the Zamindari Abolition Act for the deduction of the excess collections so adjusted, from the interim payments to be made under sub-sections 3 and 4 of section 50 of that Act. It is also considered necessary to make similar provisions in sub-section (7) of section 50. Clause 7 of the Bill makes the necessary provision for this purpose.

“ For reasons similar to those set out above, it is considered necessary to amend section 54 also which relates to interim payments to religious, educational or charitable institutions governed by section 38 of the Act. 3-20 p.m.

“ Under section 50 (2) of the Abolition Act, interim payments have to be made to the landholders from the notified date till the compensation has been finally determined and paid. One-half of the compensation is paid in advance within six months from the notified date and thereafter annual interim payment is reduced by half. The rules made under the Act provide for the payment of the other half of the compensation in instalments, in cases where the basic annual sum exceeds Rs. 3,000. It therefore follows that the interim payment payable in any year should be only in proportion to the compensation outstanding in that year. But there is no provision in the Act which enables the Government to reduce the interim payment in proportion to the amount of compensation already paid. This involves double payment. It is therefore necessary to make specific provision to the effect that the interim payment payable in any year should be in proportion to the compensation amount outstanding in that year. Clause 7 of the Bill makes provision for this purpose also.

“ Under section 50 (7) of the Act, after the compensation has been finally determined and apportioned among the persons entitled thereto, the excess or deficiency in the interim payments made to each of such persons has to be adjusted on the basis laid down in

[Sri M. A. Manickavelu Naicker] [14th December 1954]

that section. The section does not, however, specify the authority which should make the adjustment. As the compensation has to be apportioned by the Tribunal, the Government consider that it will be convenient if the Tribunal itself makes the adjustment of any excess or deficiency in the interim payments. It is accordingly proposed to lay down that the Tribunal shall make the adjustment at the time of paying the compensation amount and sub-section (9) of section 50 has been revised for this purpose by clause 7 of the Bill.

“It is possible that even after an adjustment has been made by the Tribunal as mentioned above, a portion of the total interim payments made to a person may still remain to be recovered. As there is no provision in the Act for recovering such amounts, it is proposed to add a specific provision to the Act making such excess amounts recoverable from the person concerned as an arrear of land revenue—please see the proviso to new sub-section (9) of section 50 inserted by clause 7 of the Bill.

“The opportunity has been taken to incorporate in this clause the modifications made in the main Act by section 5 of the Amendment Act I of 1950, for purposes of clarity and easy reference and as this section has thus become superfluous, it is being deleted by clause 9 of the Bill.

“Sir, I have already stated that this Bill is only intended to remove certain defects observed in the Act when implementing its provisions and I commend the Bill for the acceptance of the House.”

MR. SPEAKER :—“Motion moved—

‘That the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1954, be taken into consideration at once.’”

3-27
p.m.

* SRI S. RAMALINGAM :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவானது ஒரு சில அம்சங்களில் நாங்கள் வரவேற்கக்கூடிய தாயிருந்தாலுங்கூட ஒரு அம்சத்தை மாத்திரம் நாங்கள் கடுமையாக ஆட்சேபிக்கிறோம்.

“இந்த மசோதாவானது இச்சபைக்குக் கொண்டுவருவது இது முதல் தடவையல்ல. இதே மசோதா ஒரு சில மாற்றங்களுடன் முன்பே வந்திருக்கிறது. இந்த சபையிலேயே நான்கு தடவை கொண்டுவரப்பட்டு கைவிடப்பட்டது. ஒவ்வொரு தடவையும் ஒரு குறிப்பிட்ட திருத்தம் கூடாதென்று கைவிடப்பட்டது. அப்படியிருந்தும் நான்காவது தடவையாக கொண்டுவந்து நிராகரிக்கப்பட்ட இந்த மசோதா, இப்பொழுது 5-வது தடவையாக இதைக்கொண்டுவந்திருக்கிறார்கள். ஒரு குறிப்பிட்ட இனம் கிராமம் எஸ்டேட்டா இல்லையா என்று செடிஸ்மெண்டு அதிகாரி கூறும் தீர்ப்பை எதிர்த்து அப்பீல் செய்வதற்கு சர்க்காருக்கு அதிகாரம் கொடுக்கவேண்டுமென்ற காரணத்திற்காகத்தான் இந்த மசோதா தயாரிக்கப்பட்டது என்று சொன்னார்கள். இந்த மசோதாவானது அப்பீல் செய்வதற்கு ஒரு வருஷகாலம் அதிகாரம் கேட்கிறது. யாருடைய குறைகளைத் தீர்ப்பதற்காக இவ்வளவு அவசரமாக இந்த அதிகாரங்களைக் கேட்கிறார்கள்? விவசாயிகளின் குறைகளைத் தீர்ப்பதற்காகவா? சர்க்கார் தங்கள் உத்தரவை அப்பீல்செய்வதற்கு ஆட்சேபணையிலலை. ஆனால் அம்மாதிரி கேட்கவில்லை.

14th December 1954] [Sri S. Ramalingam]

‘Although the Government may not be generally concerned with a decision of the Settlement Officer as to whether a particular village is or is not an inam estate, cases do occasionally arise where such decision has to be contested by the Government on the ground that the village is not an inam estate but is an under-tenure estate or is not an estate at all.’

இந்த குறிப்பிட்ட இனம் கிராமங்கள் எஸ்டேட்டைச் சேர்ந்தது அல்ல என்று அப்பீல் செய்யும் உரிமை இந்த மசோதா மூலமாக சொந்தக் காரர்களுக்கு கிடைக்கிறது. இந்த எஸ்டேட்டு ஆக்கை பல வருஷங்களாக நாங்கள் ஆட்சேபித்து வந்திருக்கிறோம். இன்னும் டிரிபுனலுக்கு அப்பீல் செய்வதற்கு ஒரு வருஷகாலம் என்று வரையரை வைத்திருக்கிறார்கள். இவைகளெல்லாம் ஏற்கெனவே விவசாயிகள் அடைந்துவந்த நன்மையை பாதிக்கிறது. இதையெல்லாம் பாரக்கும்பொது பழையகாலத்தில் இருக்கக்கூடிய நிலைமையைத்தான் இந்த அரசாங்கம் கொண்டு வருகிறது என்று தோன்றுகிறது. இப்படிப்பட்ட குறைகளை நிவர்த்திக்க வேண்டுமென்றுதான் சென்ற நான்கு ஆண்டுகளாக இந்த ஏற்பாட்டைச் செய்துவந்திருக்கிறார்கள். அப்பொழுது கொண்டுவந்த அந்த மசோதாவிலிருந்த அதே வாசகத்துடன் வேறு சிலவார்த்தைகளைச் சேர்த்திருக்கிறது.

“இன்னும் ஜமீன் பட்டா நிலங்கள் விஷயமாக கோர்ட் தீர்ப்பை ஆட்சேபித்து டிரிபுனலுக்கு அப்பீல் செய்வதற்காக சர்க்காருக்கு அதிகாரம் கொடுக்கவேண்டுமென்று சொல்லுகிறார்கள்.

‘Managers of estates have therefore been asked to contest the claims of the landholders wherever necessary. In such cases where the Settlement Officers give decisions against the Government, it is but reasonable that the Government should have a right to prefer an appeal to the Tribunal.’

இந்த அதிகாரத்தைக்கொடுப்பதற்கு எந்தவிதமான ஆட்சேபணையும் கிடையாது. ஜமீன்தார்களுக்குச் சொந்தமான நிலங்களுக்கு பட்டாகொடுப்பது போன்றவைகளை செடிஸ்மெண்டு ஆபீசர்கள் அரசாங்கத்திற்கு எதிராக தீர்ப்பு அளித்தால் அதை ஆட்சேபித்து அப்பீல் செய்வதற்கு சர்க்காருக்கு உரிமைவேண்டுமென்று கேட்கிறார்கள். இன்னும் தனிப்பட்ட காடுகள் மூலம் அதிகாரம் வேண்டுமென்று சொல்லுகிறார்கள். இந்த ஜமீன்தார்கள் உபயோகப்படுத்திக்கொண்டிருக்கும் சமுதாய சொத்துக்களை ஸ்லீகரிப்பதற்கு இதையும் சேர்த்துக்கொண்டு இனங்களையும் சேர்த்துக் கொள்வார்கள், ஆதலால் இந்த மசோதாவினால் விவசாயிகளுக்கு ஒருவித நன்மையும் ஏற்படாது. ஆபத்துதான் ஏற்படும் என்று சொல்லிக்கொண்டு முடித்துக்கொள்ளுகிறேன்.”

(The Deputy Speaker in the Chair.)

SRI P. RAMAMURTHI:—“Mr. Deputy Speaker, Sir, generally-speaking most of the provisions of this Bill are welcome, but the amendment to section 50, as has been pointed out by the hon. Member Sri Ramalingam is extremely pernicious. It is very necessary in this connexion to see what the original section 50 says and what the proposed amendment means. Under the original section 50, the Settlement Officer ‘shall examine the nature and history of all lands, in respect of which the landlord claims the ryotwari patta under sections 12, 13 or 14 as the case may be and decide in respect of which lands the claims should be allowed.’ Therefore, whenever a particular landlord claims that the particular land in an inam village is not an inam land or the village cannot be declared a whole inam village, and therefore, that particular village should be declared as ryotwari, in such cases, the Settlement Officer

[Sri P. Ramamurthi] [14th December 1954]

was authorized under sections 12, 13 and 14 to examine such claims and give his decision whether the land could be treated as inam land or ryotwari land.

3-30
p.m.

“ But in cases where a decision had already been given by the Settlement Officer, the party aggrieved whether it is the landholder or the tenant or the ryot, could appeal against it. I would ask the Hon. the Minister for Revenue to look at section 15 (2) of the original Act. It says :—

‘ Any person deeming himself aggrieved by a decision of the Settlement Officer under sub-section (1) may within two months from the date of the decision, or such further time as the Tribunal may, in its discretion allow, appeal to the Tribunal and its decision shall be final and not be liable to be questioned in any Court of law. ’

Therefore, the right of appeal against the decision of the Settlement Officer was actually provided for in the original Act itself.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—

“ Sir, the present amendment is that Government should also be able to appeal. ‘ Any person ’ mentioned in the Act will not cover Government but mean only Corporations and the like. We want to make this point clear. The existing provision will not apply to the Government.”

SRI P. RAMAMURTHI :—“ I am aware of that, Sir, but what I would like to point out is this. The right of appeal was specifically given to the parties aggrieved, whether that party was the landholder or the tenant. It is only one of these two parties that could at any time be aggrieved. If as a matter of fact, the landlord had been aggrieved, I dare say, he had ample opportunity to appeal. Here is a legal provision. Apart from that, he had ample resources in money and he could get legal advice from the best legal talents in the country. He had everything at his disposal and if he had had the modicum of a case against the decision of the Settlement Officer, he would certainly have taken advantage of the right of appeal provided for in sub-section (2) of section 15 of the Act. He would have appealed to the Tribunal. Therefore, as far as the landholder is concerned, it does not require the State Government to give him any special right. That is already there. I can understand a situation in which the tenants were not able to appeal by reason of the fact that they were poor and resourceless people. If they had not taken advantage of the provision in the Act due to financial inability and appealed against the decision of the Settlement Officer, I could understand the case of the Government in seeking to amend this section. I wish the Government had come forward and said : ‘ We want to do justice to the tenants and therefore, we want to have the power of appeal on their behalf. ’ Even though the landlord had the right of appeal within two months from the date on which the Settlement Officer

14th December 1954] [Sri P. Ramamurthi]

gave his verdict, he did not do so and here the Government say : 'We want to fight on behalf of the landholder.' The new sub-clause says :

'Against a decision of the Settlement Officer under sub-section (1), the Government may within one year from the commencement of the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954, or from the date of the decision, whichever is later, and any person aggrieved by such decision may, within two months from the said date, appeal to the Tribunal.'

We propose under this provision to deal with cases which have already been settled. For the failure of the landlord to take advantage of the right of appeal provided for in the Act, the tenants must suffer because the Government will go in appeal on behalf of the landlord! As far as we are concerned, we would certainly welcome such a provision provided it could always be laid down that the Government would come forward to appeal in those cases where the tenants had not appealed against the decision of the Settlement Officer. The Government should not seek to rake up questions settled long ago and create a state of unsettlement in the inam villages. This kind of provision is going to create a tremendous amount of restiveness and fear complex where none exist now, and where the tenants have received the full benefits of settlement. It will create restlessness and a state of unsettlement among the inam ryots. Therefore, while I generally welcome the Bill, I would request the Government very seriously to consider whether the amendment to section 15 (2) of the Act should remain in the form in which it stands now. Unfortunately, we have no time to consider the various aspects of this provision and I suggest that we defer consideration of this Bill for the present. I would ask the Government not to rush with the Bill but to consider seriously what I have said."

* SRI P. S. KRISHNASAMY AYYANGAR :—"Sir, certain estates have been taken over by the Government wherein the ryots have certain grievances. When the Rent Reduction Act was made applicable to a particular estate, the landholder filed a writ petition in the High Court and a stay order was secured. While the stay order was in force, the landholder collected rent as per the custom and usage prevailing there prior to the grant of the stay. The writ petition was subsequently dismissed. Till the dismissal of the writ petition, the stay order was in force and the landholder was collecting half waram, which was the custom and usage. Meanwhile, as the writ petition was pending, the ryots raised a hue and cry that in spite of the application of the Rent Reduction Act, the landholder was collecting rent at the old rate. Complaints were made to the local officials and at once circulars were sent round to appease the ryots that they might pay the waram which they were paying previously, that after the estate was taken over they could pay the rent fixed under the Rent Reduction Act, and that any excess that they might have paid by then to the landholder would be adjusted towards the future rent. They were coolly paying this rent till the disposal of the writ petition and after it was dismissed the estate was taken over. When things

[Sri P. S. Krishnasamy Ayyangar] [14th December 1954]

went on in the old way they had paid the old rent for three or four faslis. Now the Act, as it is in the matter of adjustment of excess payments, applies only to the fasli during which the estate is taken over.

3.40 p.m. “ But they complained that they were made to understand that any excess waram that they were paying even during the previous faslis would be adjusted towards the rent that they should be liable to pay in future faslis. The promise seems to have been made and that promise should be redeemed. Whatever has happened in other estates, I know that in the estate called ‘ Konthallai ’ estate, this thing has happened. The ryots have come with a petition here. I think that petition must have reached the Revenue Minister by now. If it had not reached him, I make this representation here on their behalf. I want to have a clear idea whether excess rents paid for faslis prior to the taking over of the estate may be adjusted towards the rent payable for future faslis. Subsequent to the Rent Reduction Act made applicable to the estate, a writ petition was filed. The ryots have paid rents during the pendency thereof at the rate at which they were paying before the Act was applied to that estate. Can they adjust those excess rents towards the rent payable for future faslis, after the writ petition has been dismissed? This is the doubt that I want to have cleared.”

SRI P. RAMAMURTHI :—“ There does not appear to be any difference of opinion between the Opposition and the other side. Unfortunately this is a long Bill. It would be difficult to understand some of the wordings. After all if this is referred to a Select Committee the Committee can sit for a few hours, discuss the Bill threadbare, discuss facts and figures and then arrive at conclusions. Therefore I make this formal motion that the Bill be referred to a Select Committee.”

DEPUTY SPEAKER :—“ But the time for making that motion is past. You cannot move it now.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Mr. Deputy Speaker, I am afraid hon. Members read very much into the amendments than what is warranted. I know all the amendments are in favour of the ryots and not the landholders. Except one amendment in regard to which there is some confusion and misapprehension all other amendments are clear. With regard to that amendment (the one which has been misunderstood), I will explain the correct meaning.

“ The first amendment is with regard to the taking over of an estate after there has been a stay order issued by the High Court. Government intend to make it quite clear beyond all doubt that the date would be reckoned from the date of uninterrupted possession of the estate. That is our first amendment and is contained in clause 2 of the present Bill. We want to be clear about the date and we have defined it as the date from which we have been in uninterrupted possession of the estate.

14th December 1954] [Sri M. A. Manickavelu Naicker]

“ I shall now come to the decision of the Settlement Officer. With regard to the provision for appeal to the Tribunal against the decision of the Settlement Officer it is agreed. With regard to the decision of the Settlement Officer that the land is a private one, it is agreed that Government must appeal for the sake of the community. But it is agreed as regards the contesting by the Government of the decision of the Settlement Officer, that the village was an inam estate. Why the Government wanted to contest such decisions was that such a decision would involve added commitments for Government, as they would have to pay a higher rate of compensation for inams than for other estates. Further it would be a wrong decision to declare a village an inam village where it was an under-tenure estate or not an estate at all. After all Government money is public money. Government do not get money from the sky. When such is the case why should they waste public money when the Settlement Officer has given a wrong decision? Government must necessarily have the power to appeal in such cases. That is what is now provided for. Government should not keep quiet in such cases. It is quite a different matter if you want to have all inams to be brought under the scope of the Abolition Act. But you must do so by enacting a specific amending Bill, instead of taking advantage in a ‘sneaky way’ by a wrong interpretation and application of the existing Act. Hon. Members will now see that we have provided only for the contingency which occurs when a Settlement Officer gives a wrong decision to the effect that a village is an inam estate when in fact that village is an under-tenure estate or not an estate at all. Of course such a contingency may be very rare. But all the same we have to provide for appeal against such wrong decisions and that is what we have done.

“ Let me now come to the question of excess collections from the tenants by the landholders. Under the Rent Reduction Act, certain estates are notified. Under section 3 (3) of the Madras Estates Land (Reduction of Rent) Act, 1947, the reduced rates of rent take effect from the commencement of the fasli year 1357 and the ryots are not bound to pay rent at any rate which is in excess of such rates. As the preliminary enquiries and other operations connected with the reduction of rents took time, there was some delay in fixing reduced rent. The landholders, however, continued to collect the rents from the ryots at the old rates. In some cases, excess collection in this manner has continued for two or three years. We have said that in all those cases, if after the introduction of the Rent Reduction Act, excess collections had been made the same could be adjusted by the tenants towards future faslis. But suppose there has been a writ petition in the High Court and there has been a stay order. Suppose the litigation dragged on for some years and the landholder all the time has been collecting the excess rent from the ryots at his old rates. We have now made a provision that such excess collection would be recovered from him as arrears of land revenue if compensation has been paid in full or that it would be reduced from the interim

[Sri M. A. Manickavelu Naicker] [14th December 1954]

compensation payable to him. We have also said now that only from the date from which the Government have been in uninterrupted possession of the estate, the Act would be applicable. Government cannot hold themselves responsible to enforce the Act during the interregnum.

“ The expression ‘ on the ground that a village is not an inam estate but an under-tenure estate or not an estate at all ’ seems to have created a doubt in the minds of hon. Members. Government come on the field only when a wrong decision has been given by the Settlement Officer.

3-50
p.m. “ The other allegation is that the Bill has been brought three or four times in some form or other. With regard to that, I would like to submit that the Bill was postponed not for these reasons. On the last occasion, Sri G. Latchanna, who was then a Member of this House, admitted that these amendments were necessary and should be pushed through, but his anxiety was that we may not bring in an amending Bill for including the 1936 inams if once this small Bill is passed. That is why he objected. He accepted the amendments because they were all for the benefit of the ryots. But there was, however, a fear on his part that after having all the amendments passed, we may not have the incentive to bring the other Bill to include the 1936 inams also. He urged this consideration against proceeding with the Bill and in deference to the wishes of the House we dropped it. The other day, when we transacted non-official business, I said that we are progressing rapidly in the matter of taking over the 1936 inams also under the Estates Abolition Act. The real obstacle is with regard to compensation and since the compensation question is likely to be settled in a way by the Centre which would very much facilitate the application of the Estates Abolition Act to 1936 inams also, it is better we wait for some time more instead of hurrying through. Under these circumstances there is no difficulty about this question. Even after my explanation if it is thought there is any difficulty still it is only imaginary and I cannot help it.”

DEPUTY SPEAKER :—“ The Hon. the Leader of the Opposition wants to move an amendment to refer the Bill to a Select Committee. It cannot be allowed at this stage. He should have moved his amendment in time. The question is—

‘ That the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1954, be taken into consideration at once.’ ”

The motion was carried.

DEPUTY SPEAKER :—“ Now we shall take up the clause by clause consideration of the Bill. The preamble and the short titles will be taken up at the end.”

Clauses 2 and 3 were put up and carried.

14th December 1954]

Clause 4.

DEPUTY SPEAKER :—" Motion moved—

' That clause 4 do stand part of the Bill.' "

SRI P. RAMAMURTHI :—" Mr. Deputy Speaker, Sir, after hearing the reply of the Hon. the Minister for Revenue, I am fairly convinced that this Clause should not remain as it is, empowering, as it does, the State Government to rake up the whole question again. After all, what does it boil down to? It boils down to this, namely, that the State Government may appeal to the Tribunal because of the fact that they will have to pay more compensation if a particular land, which is not an inam land but which is an estate, had been declared to be an inam land. Therefore, the Government say that they want to have a right of appeal. If it is limited to this specific purpose, we would have no objection. I am not certainly anxious that the inamdars should be able to get greater amount of compensation from the Government. As a matter of fact, I wish that they should get no compensation at all. Unfortunately, it is not possible. If the right of appeal is restricted to specific cases where an ordinary estate has been declared to be an inam and where the Government have to pay greater compensation as a result of that, I can understand the position. But they don't stop with that. They say that they would also have the right of appeal in cases where they consider that a Settlement Officer has declared a particular area or a particular village to be an estate when actually it is not an estate. As a result of the application of the Rent Reduction Act during the last five or six years the amount of rent, which the tenants have been paying to the landlords, has been lowered down. Now, all these things are totally upset. The Government have got the right to rake up the whole question once again. The Hon. the Minister for Revenue should have come forward with a statement as to how many estates are involved, the number of settlements that have taken place ever since the Act came into force, the number of estates which the Government consider should not have been declared as estates, the extent of the area involved, the total value of the compensation payable, the number of tenants involved and so on. If all these facts are placed before the House, then one can come to a conclusion. The Hon. Minister has not given any of these details and this is a strange way of dealing with us. In spite of the explanation offered by the Hon. Minister, I feel that this Clause must not be passed."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I have already explained the matter. In any piece of legislation the phraseology is put in that liberal way to be on the safe side. I may state that such cases would be very few and far between, but when we legislate, power is taken like that. In every legislation it is like that. It does not mean that it will be used indiscriminately. It will be used only when it is absolutely necessary. We have provided that the Government can appeal if the decision of the

[Sri M. A. Manickavelu Naicker] [14th December 1954]

Settlement Officer was vitiated by fraud or by mistake of fact. In all legislations, these things are provided for, not only here but in the whole world."

THE HON. SRI C. SUBRAMANIAM :—" Another point which strikes me is this. The Hon. the Leader of the Opposition is agreeable to the Government appealing in cases where the ryots are affected, that is, where fraud and mistake are involved, as a result of which a wrong decision has been given. If a ryot is affected, then the Government may appeal. But if an inamdar is affected, then the Government should not appeal. Can we discriminate like that? Therefore, we are taking the power of appeal in all cases where the decision is vitiated by fraud or by mistake. Of course, the Government will exercise their discretion in the matter of preferring the appeal, but it would not be fair to provide in a legislation that if it affects one class of persons then the Government can appeal and that if it affects the other class of persons the Government should not appeal. That will be making a discrimination between one class and another. After all, the Government are interested in safeguarding the rights of the ryots. In view of this assurance, I would request the Hon. the Leader of the Opposition to withdraw his opposition to this clause and I may assure him that it will not be used for the purpose of harassing the ryots for gaining a point in favour of the landlords or for any other purpose whatsoever."

(Mr. Speaker in the Chair.)

4 p.m

MR. SPEAKER :—" The question is—

'That clause 4 do stand part of the Bill.' "

The motion was put and declared carried.

A poll was demanded and the House divided thus—

Ayes—47.

The Hon. Sri C. Subramaniam.

„ M. Manickavelu Naicker.

Sri K. Rajaram Naidu.

„ B. Bhakthavatsalu Naidu.

„ P. G. Karuthiruman.

„ V. C. Palaniswami Gounder.

„ V. K. Palaniswami Gounder.

„ P. K. Thirumurthy.

„ R. Kuppuswami.

„ S. R. Arumugam.

„ P. G. Manickam.

„ N. Ramakrishna Iyer.

„ T. P. Elumalai.

„ V. K. Ramaswami Mudaliar.

„ A. K. Masilamani Chettiar.

„ K. G. Munuswami Gounder.

„ R. Thangavelu.

„ A. Ramachandra Reddiar.

„ K. S. Ardhanareswara Gounder.

„ P. M. Munuswami Gounder.

„ O. A. Nanjappa.

The Hon. Sri S. S. Ramaswami Padayachi.

Sri T. K. Rama.

Sri M. S. Muniswami Pillai.

„ A. Ayyanar.

„ S. Thinakaraswami Thevar.

„ R. M. Palaniappan.

„ M. D. Thiagaraja Pillai.

„ M. Marimuthu.

„ K. Parthasarathy.

„ M. Jagannathan.

„ P. S. Krishnaswamy Ayyangar.

„ G. Govindan.

„ Ar. A. Rm. Chockalingam Chettiar.

„ M. Kandaswami Padayachi.

„ P. Chellathurai.

„ P. Selvaraj.

„ S. N. Somayajulu.

„ K. P. Kuttikrishnan Nair.

„ T. Ananta Pai.

„ K. H. Bomman.

„ S. Somasundara Gounder.

„ M. Venugopala Gounder.

„ M. Kattimuthu.

„ T. Manavalan.

„ A. Appu.

„ K. Kunhi Mohamed Shafee.

14th December 1954]

Noes—36.

Sri S. Swayamprakasam.
„ A. Ratnam.
„ S. Deivasigamany.
„ N. Rathina Gounder.
„ M. P. Subramaniam.
„ K. R. Sambandam.
„ P. Rangaswami Reddiar.
„ T. Shanmugam.
„ A. Govindaswamy Nayagar.
„ A. Senapathi Gounder.
„ D. Krishnamurthi Gounder.
„ A. Veloo.
Dr. K. B. Menon.
Sri M. Narayana Kurup.
„ K. T. Sridharan.
„ C. Kunhirama Kurup.
„ M. Palaniyandi.
„ M. Narayana Nambiar.

Sri N. Paramasiva Udayar.
„ P. Kunhirama Kidav.
„ O. Koran.
„ C. Velukkan.
„ P. Ramamurthi.
„ K. T. Raju.
„ S. Ramalingam.
„ S. Vadivelu.
„ K. C. Gopalan Unni.
„ V. Madanagopal.
„ N. Sivaraj.
„ A. K. Subbiah.
„ K. V. Ramaswami.
„ T. S. Ardhanari.
„ K. Madhavan Nambiar.
„ E. T. Kunhan.
„ C. H. Kanaran.
„ R. Krishnan.

Neutral—Nil.

Ayes—47; Noes—36; Neutral—Nil.

The motion was carried.

Clauses 5 to 10 and clause 1 and the Preamble were then each separately put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, 4-10
I move— p m.

‘ That the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1954, be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

IV.—GOVERNMENT MOTION—*cont.*

MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES *re* CHANGE
IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

‘ That the Indian Bar Councils (Madras Amendment) Bill, 1954, be taken up first instead of the Madras Tenants and Ryots Protection (Amendment) Bill, 1954.’ ”

The motion was put and carried.

III.—GOVERNMENT BILLS—*cont.*

(5) THE INDIAN BAR COUNCILS (MADRAS AMENDMENT) BILL, 1954.

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I beg to introduce the Indian Bar Councils (Madras Amendment) Bill^a, 1954, and move—

‘ That the Bill be taken into consideration at once.’

Sir, this is a very harmless and innocent Bill which is also considered necessary. In view of the fact that a separate High Court has been set up for the Andhra State from the 5th July 1954, in